

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

ABDERRHMAN MOHAMMED KHALIL,)	
)	
Movant,)	
)	
v.)	Case No. 10-1282-CV-W-HFS
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

The nonresident movant who has completed his sentence but not his period of supervised release, seeks relief under Section 2255. He alleges ineffective assistance of counsel in (1) allowing him to plead guilty to a time-barred count of the indictment (pursuant to a plea agreement), and (2) failing to obtain a reduced sentence because he was willing to consent to deportation. For reasons stated in the Government's brief (Doc. 4) the motion will be denied.

Summarily, movant's absence from the country tolled the statute of limitations. The count to which he pled was not time-barred. Movant offers no authority for his argument that he was known to have an attorney in the jurisdiction and therefore his absence should not be counted against him. There was no ineffective assistance of counsel in failing to raise a legal contention that was unsound.

Argument for a reduced sentence because of willingness to be deported is speculative. A shortened sentence is very rare, based on that factor, and it would not have caused me to reduce the sentence here. It was not ineffective assistance to fail to raise an issue that rarely is successful and would not have been successful here.

Having recently served his sentence, it is too early for movant to seek a reduced period of supervised release. No persuasive grounds for such a reduction have been cited.

The motion to correct sentence (Doc. 1) is therefore DENIED. No certificate of appealability will be granted.

/s/ Howard F. Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

March 8, 2011

Kansas City, Missouri